

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Jill Carnes,

Court File No. 22-cv-142

Plaintiff,

vs.

COMPLAINT

C & W Trucking Co. and
Randy Erickson,

Defendants.

COMES NOW the Plaintiff, who for her cause of action against Defendants herein, states and alleges:

1. This action is brought by Plaintiff in accordance with the provisions of Wis. Stat. Sec. 895.04. Plaintiff is a surviving sister of Michael Kinney, who died May 8th, 2020, near Washburn, Bayfield County, Wisconsin. Plaintiff is a citizen of the State of Michigan, domiciled in McMillan, Michigan.

2. Defendant Erickson is a citizen of the State of Wisconsin, domiciled in Bayfield County, Wisconsin. Defendant C & W Trucking Co. is a business with its principal place of business located in Bayfield County, Wisconsin.

3. The amount in controversy, exclusive of costs and disbursements, exceeds \$75,000. Jurisdiction is founded on the provision of Title 28, U.S.C., Sec. 1332.

4. On May 8th, 2020, while acting within the course and scope of his employment as a manager of Defendant C & W Trucking Co., Defendant Randy Erickson intentionally shot and killed Michael Kinney on a property of Defendants in Bayfield County, Wisconsin. Defendant C & W Trucking Company is vicariously liable for the actions of its manager, C & W Trucking Company.

5. As a direct and proximate result of the wrongful death of Michael Kinney, Plaintiff suffered pecuniary loss, the loss of society and companionship of Michael Kinney, and funeral expenses in the amount of \$10,000, all damages within the meaning of Wis. Stat. Sec. 895.04.

6. As a further direct and proximate result of the wrongful actions of Defendants described herein, and in intentional disregard of the rights and safety of decedent Kinney, Defendants are liable to Plaintiff for punitive damages within the meaning of Wis. Stat. Sec. 895.043 in an amount to be determined by the court and jury.

WHEREFORE, Plaintiff prays judgment be entered in her favor and against Defendants for a reasonable sum of money to be set by court and jury and for such other and further relief as the court may deem appropriate in the premises.

FALSANI, BALMER, PETERSON & BALMER

DATE: 3/16/22

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